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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AARON GREENSPAN,

Plaintiff,

v.

OMAR QAZI, SMICK ENTERPRISES, INC.,
ELON MUSK, and TESLA, INC.,

Defendants.

Case No. 3:20-cv-03426-JD

**DECLARATION OF AARON
GREENSPAN IN SUPPORT OF
PLAINTIFF'S APPLICATION
FOR ENTRY OF DEFAULT
AGAINST OMAR QAZI AND
SMICK ENTERPRISES, INC.**

I, Aaron Greenspan, declare as follows:

1. I filed this lawsuit against Omar Qazi, Smick Enterprises, Inc., Elon Musk and Tesla, Inc. with the Clerk of Court via e-mail on May 20, 2020, as CM/ECF is not yet equipped to process *pro se* opening documents.

2. I received the case number for the lawsuit on the morning of May 21, 2020.

3. After receiving the case number on May 21, 2020, I e-mailed Omar Qazi (who is the Chief Executive Officer of Smick Enterprises, Inc.) as well as the other defendants a link to the PlainSite docket for the case, which contains links to true and correct copies of each associated CM/ECF document.

4. Later that day, I e-mailed Omar Qazi copies of forms AO 398 and AO 399 (two copies) as part of an electronic message compliant with Federal Rule of Civil Procedure 4(d)(1).

1 5. I also e-mailed Omar Qazi the same forms addressed to Smick Enterprises, Inc. as
2 part of an electronic message compliant with Federal Rule of Civil Procedure 4(d)(1).

3 6. I also e-mailed Omar Qazi supplementary materials as required by Civil Local
4 Rule 4-2 and the Initial Case Management Scheduling Order in this case.

5 7. The e-mails did not bounce, and I have corresponded with Omar Qazi by e-mail at
6 the same e-mail address in the past.

7 8. Omar Qazi did not respond to any of my e-mails regarding waiver of service.

8 9. On May 23, 2020 at 8:53 P.M., I believe Omar Qazi posted the following on his
9 @wholemarslog (later, @wholemarsblog) Twitter account: "Call me a fanboy, mock me, sue
10 me..." *See* Exhibit A.

11 10. Aside from the instant suit, to the best of my knowledge, as of May 23, 2020,
12 Omar Qazi had never been sued in civil court before.

13 11. I believe this post on Twitter proves that Omar Qazi was aware of the pending
14 lawsuit against him in this Court at least as early as May 23, 2020.

15 12. On June 6, 2020, I hired M&R Process Service, LLC to personally serve Omar
16 Qazi.

17 13. On June 8, 2020, I was informed that on June 7, 2020 at 9:47 P.M. in San
18 Francisco, process server Erin Houck had served Omar Qazi personally and Smick Enterprises,
19 Inc. with two sets of documents addressed to Omar Qazi and Smick Enterprises, Inc.

20 14. On June 9, 2020, I filed the Proof of Service forms provided to me by M&R
21 Process Service, LLC reflecting service on Omar Qazi pursuant to Federal Rule of Civil
22 Procedure 4(e)(2)(A) and reflecting service on Smick Enterprises, Inc. pursuant to Rule
23 4(h)(1)(B).

24 15. Under Federal Rules of Civil Procedure 12(a)(1)(A)(i) and 6(a)(1)(C), Defendants
25 Qazi and Smick Enterprises, Inc. were required to plead or otherwise respond to the Complaint
26 by June 29, 2020. The time to plead or otherwise respond to the complaint has not been
27 extended by any agreement of the parties or any order of the Court.
28

1 16. Defendant Qazi has failed to file or serve or file a pleading or otherwise respond
2 to the complaint. The applicable time limit for responding to the complaint has expired.

3 17. Defendant Qazi is not a minor or an incompetent person.

4 18. Defendant Qazi is not currently in the military service, and therefore the
5 Servicemembers Relief Act does not apply.

6 19. Defendant Smick Enterprises, Inc. has failed to file or serve or file a pleading or
7 otherwise respond to the complaint. The applicable time limit for responding to the complaint
8 has expired.

9 20. As a corporation, Defendant Smick Enterprises, Inc. is not a minor or an
10 incompetent person.

11 21. As a corporation, Defendant Smick Enterprises, Inc. is not currently in the
12 military service, and therefore the Servicemembers Relief Act does not apply.

13 22. As Exhibits B and C, I have attached to this declaration true and correct copies of
14 the proofs of service on file with this Court for the above-named Defendants.

15 I declare under penalty of perjury under the laws of the United States that the above
16 statements are true and correct and that this declaration was executed on June 30, 2020 in San
17 Francisco, California.

18
19 Dated: June 30, 2020

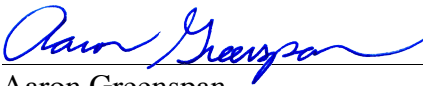
20
21 
22 Aaron Greenspan

EXHIBIT A

May 23, 2020 @wholemarslog “sue me” Twitter Post

Whole Mars @wholemarslog · 17h
We need @elonmusk.
4 11 109

Whole Mars @wholemarslog · 17h
Who is the one person in America who has the capability to take humans to outer space? @elonmusk
And the man isn't a rocket scientist. He read books and taught himself.
3 5 41

Whole Mars @wholemarslog

Who is the one person who can make you an electric car that's better than a gas car?

Again, @elonmusk.

Call me a fanboy, mock me, sue me...

but we need this man to win.

8:53 PM · May 23, 2020 · Twitter for iPhone

7 Retweets 51 Likes

4 11 109

wholemarsintern @wholemarsintern · 17h
Replying to @wholemarslog and @elonmusk
I like my boss. Even if I just created the position.
2 6

K10 🌟📢 @Kristennetten · 17h
Replying to @wholemarslog and @elonmusk
Boom
7

ALEX @ajtourville · 8h
Replying to @wholemarslog and @elonmusk
🎵
Mock me, hate me
You can never break me
Slur me, sue me
You can never shush me
Block me, meme me
Everybody do me
FUD me, FUD me
Don't you red or blue me

All I want to say is that
Musk does really care about us
All I want to say is that
Musk does really care about us

New to Twitter?
Sign up now to get your own personalized timeline!
Sign up

Relevant people

Whole Mars @wholemarslog
Access to tools for the new world | created by Scott
Follow

Elon Musk @elonmusk
Follow

What's happening

COVID-19 · LIVE
COVID-19: Muslims around the world celebrate Eid al-Fitr amid pandemic restrictions
130K people are Tweeting about this

COVID-19 · LIVE
COVID-19 updates for the US

Sports · Trending
Charles Barkley
2,419 Tweets

Trending in United States
Chris Wallace
37.3K Tweets

COVID-19 · 39 minutes ago
Reports of packed boardwalk in Ocean City spark social distancing concerns

Show more



Chansoo Byeon @ByeonChansoo · 17h
Replying to @wholemarslog and @elonmusk
👉 without a doubt

Steve Burrows @yamahaeleven · 16h
Replying to @wholemarslog and @elonmusk
For sure! Us little people need to do everything we can do to make an amazing future happen. If it means slogging through the trenches of Twitter, so be it!

Eng - T35L4 TM @JJaz910 · 14h
Replying to @wholemarslog @Kristennetten and @elonmusk
🔥

Gaelic @Gaelic_Neilson · 16h
Replying to @wholemarslog and @elonmusk
❤️❤️

←

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EXHIBIT B

Proof of Service on Omar Qazi, Effective June 7, 2020

Case 3:20-cv-03426-JSC Document 5 Filed 05/21/20 Page 6 of 8

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 3:20-cv-03426-JSC

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Omar Qazi.
 was received by me on *(date)* 6.6.2020

☒ I personally served the summons on the individual at *(place)* 2625 Hyde Street San Francisco, CA 94109
 on *(date)* 6.7.2020; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ 105.00 for travel and \$ _____ for services, for a total of \$ 105.

I declare under penalty of perjury that this information is true.

Date: 6.9.2020

Select an area to comment on

Erin Houck

Server's signature

Erin Houck

Printed name and title

Independent Contractor of a
 Licence Process Server Company
 M&R Process Service, LLC
 Owner Maurice Robinson
 Solano County Reg # 110394

P.O.Box 277084 Sacramento, CA 95827 888.228.3028

Server's address

Additional information regarding attempted service, etc:

EXHIBIT C

Proof of Service on Smick Enterprises, Inc., Effective June 7, 2020

Case 3:20-cv-03426-JSC Document 5 Filed 05/21/20 Page 6 of 8

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 3:20-cv-03426-JSC

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 was received by me on *(date)* 6.6.2020

☐ I personally served the summons on the individual at *(place)* 2625 Hyde Street San Francisco, CA 94109
 on *(date)* 6.7.2020; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Omar Qazi, who is
 designated by law to accept service of process on behalf of *(name of organization)* Smick Enterprises, INC
 on *(date)* 6.7.2020; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ 105.00 for travel and \$ _____ for services, for a total of \$ 105

I declare under penalty of perjury that this information is true.

Date: 6.9.2020

Select an area to comment on

Erin Houck

Server's signature

Erin Houck

Printed name and title

Independent Contractor of a
 Licence Process Server Company
 M&R Process Service, LLC
 Owner Maurice Robinson
 Solano County Reg # 110394

P.O.Box 277084 Sacramento, CA 95827 888.228.3028

Server's address

Additional information regarding attempted service, etc: